

Amendments to the Drawings:

The attached sheet of drawings includes new Fig. 9. New Figure 9 corresponds to Fig. 12 of a parent application, of application serial no. 29/089,942, of which this patent application claims priority.

Attachment: Sheet including new Fig. 9.

REMARKS

In the above-mentioned office action, all of the pending claims, claims 44-45, and 47-117, were rejected. Claims 44-45, 47-52, 56-59, 64, 68-69, 75-77, 79-86, 90-105, and 107-108 were rejected under Section 103 (a) over the combination of Lieberman and Hughes. Claim 78 was rejected under Section 103 (a) over the combination of Lieberman, Hughes, and Bruckert. Claims 53-55 and 60-63 were rejected under Section 103 (a) over the combination of Lieberman, Hughes, and Lookofsky. Claim 71 was rejected under Section 103 (a) over Lieberman, Hughes, and Aldridge. Claims 65-66, 70, 72-74, 87-88, 109-110, and 113-117 were rejected under Section 103 (a) over the combination of Lieberman, Hughes and Grant. Claims 65, 67, 106, 109-110, and 113-117 were rejected under Section 103 (a) over the combination of Lieberman, Hughes and Liechtenberg. Additionally, claims 111-112 were rejected under Section 112, second paragraph for an erroneous claim dependency in claim 111. Claims 109-117 were further rejected under Section 112, first paragraph for recitations that were not disclosed in the specification. And, objection was made to the drawings for failing to show features recited in claims 44, 78, 109, 11, 114, and 116.

Responsive to the Section 112, second paragraph rejection of claims 111-112, claim 111 has been amended to recite dependency of the claim upon claim 110.

With respect to the Section 112, first paragraph, rejection of claims 109-117, amendment is made to the specification and to the drawings to add Figure 9. New Figure 9 is identical to Figure 12 of United States Patent Application No. 29/089,942, filed on June 26, 1998, now issued as U.S. Patent No. D416,256. As the subject patent application claims priority to this parent application, now patent, and, as indicated on lines 8-10, incorporates the entire specification, including the drawing figures, of this parent application, the addition of Figure 9 is not believed to add new matter. Amendment made to page 5 of the application in the brief description of the drawings section to identify Figure 9, and the corresponding text amended to page 23 of the patent application substantially corresponds to the language used in the prior application, additionally, no new matter is believed to be added by its amendment into pages 5 and 23. The drawing objections to claims 109, 111, 114, 116, and 117 are also believed to be overcome through the amendment to the drawings that adds new Figure 9.

Amendment to claim 78 is believed to overcome the drawing objection set forth with respect to claim 78.

The drawing objection with respect to claim 44 is respectfully traversed. Objection was made to the drawings for failure to disclose in the drawings the recitation, set forth in claim 44, of the QWERTY having number keys. The applicant asserts that Figure 2, taken in conjunction with its corresponding description shows the claimed feature. Specifically, XXXII C identifies a MUM lock key for selecting numbers associated with the letter keys XXXII A (page 14, lines 16-17). The recitation in claim 44 of the keys of the QWERTY keypad including letter keys that further have numbers associated therewith is therefore believed to be shown in the figures, particularly when taken in connection with the corresponding description on page 14.

Responsive to the substantive rejections of the claims, the applicant has amended independent claims 44, 104, and 109 in manners believed better to distinguish the invention of the present application over the cited combinations of references used against various of the claims. As now-presented, the independent claims are believed to recite structure that is patentably distinguishable over the cited combinations of references. Additional amendments to the claims are made to correct for informalities or otherwise to place dependent claims in conformity with their respective parent claims. In general, with respect to the recitations of claims 44 and 104, the applicant again asserts that no combination of Lieberman and Hughes can be formed to create the apparatus having an integrated device housing and a key board having letter keys laid out in QWERTY style, in which the letter keys have numbers associated therewith.

As acknowledged by the Examiner, Lieberman fails to disclose the device as a single device, i.e., a device using a single, integrated device housing. While the Examiner relies upon Hughes for showing dual mode mobile communication device having elements integrated into a single piece, review of these references indicate that neither of such references disclose additional recited structure, recited in the independent claims 44 and 104, as now presented. Specifically, neither of the references discloses an alphanumeric keyboard laid out in QWERTY style in which keys of the QWERTY keypad include letter keys that have numbers associated

therewith. Lieberman chose a keypad 122 separate from the keyboard 126. And, Hughes shows an alphabetic keyboard 14 that is separate from a numeric keypad 16.

The structure of the present invention provides a hand-holdable device that necessarily must be of compact dimensions. The terminal disclosed in Hughes plainly is not hand-holdable, and, without the dimensional constraints of a hand-holdable device, there is no need in Hughes to provide a QWERTY keypad including letter keys that have numbers associated therewith. Analogously, because Lieberman uses an external keyboard 126, there also is no need to provide a QWERTY keypad with letter keys that further have numbers associated therewith.

As neither references disclose the structure recited in claims 44 and 104, and because there would not appear to be any motivation for one skilled in the art merely to modify either of the references to form the recited invention, claims 44 and 104 are believed to be distinguishable over this combination of references.

With respect to independent claim 109, first and second upraised keys of a QWERTY keypad are recited. The first upraised key is recited to have a top face that extends a first height above a device face surface, and the second upraised key is recited to have a top face surface that extends at a second height above the face surface. The second height is recited to be different than the first height.

Newly-added Figure 9 most clearly shows the structure of the keys recited in this claim.

The applicant asserts that neither Lieberman nor Hughes recites such structure. Figure 3 of Lieberman, the only figure that shows keys of the keyboard 126, fails to disclose heights of top surfaces of keys of the keyboard that are at differing heights. And, similarly, none of the keys of the keyboard shown in Hughes show top space surfaces that are of heights different than the heights of others of the keys of the keyboard. As neither reference shows the structure recited in claim 109, no combination of the structure is formable to create the invention recited in the claim.

The dependent claims, which include all of the limitations of their respective parent claims, are believed to be distinguishable over the cited references for the same reasons as those given with respect to their parent claims.

As none of the additional references cited in the office action were cited to disclose the structure recited now in the claims as now-presented, none of these additional references can be combined with the primary references to form the invention as now-recited.

In light of the foregoing, independent claims 44, 104, and 109, and the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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